



Office of the Mayor and Council  
City of College Park  
7401 Baltimore Avenue, Suite 201  
College Park, Maryland 20740  
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION  
of the  
MAYOR AND COUNCIL  
of the  
CITY OF COLLEGE PARK**

RE: Case No. CPV-2022-01 Name: Victoria-Maria MacDonald

Address: 5007 Quebec Street, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

February 8, 2022.

**CERTIFICATE OF SERVICE**

This is to certify that on February 9, 2022 the attached Resolution was mailed, postage prepaid, to all persons of record.

**NOTICE**

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC  
City Clerk

Copies to: Advisory Planning Commission  
City Attorney  
Applicant  
Parties of Record

PG Co. DER, Permits & Review Section  
M-NCPPC, Development Review Division  
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK  
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING  
COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2022-01,  
5007 QUEBEC STREET, COLLEGE PARK, MARYLAND, AND GRANTING A  
VARIANCE FROM SECTION 27-442(E), TABLE IV FROM THE PRINCE  
GEORGE'S COUNTY ZONING ORDINANCE, TO PERMIT CONSTRUCTION OF  
A 344-SQUARE-FOOT OPEN DECK**

- WHEREAS,** the City of College Park ("City") has, pursuant to §190-1 *et seq.* of the Code of the City of College Park ("City Code"), and in accordance with Sec. 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot coverage, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by § 190-1 *et seq.* to grant an application for a variance where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission ("APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and similar requirements including variances from Sec. 27-442 (e) Table IV, of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; and
- WHEREAS,** Section 27-442 (e) Table IV of the Zoning Ordinance specifies a minimum side yard setback from the street of 25-feet; and
- WHEREAS,** on December 6, 2021, Victoria-Maria MacDonald ("Applicant"), submitted an application for a variance of 15.8 feet from the minimum street side yard setback of 25 feet for a property located at 5007 Quebec Street, College Park ("Property"); and
- WHEREAS,** on January 6, 2022, the APC conducted a hearing on the merits of the variance at which the APC heard testimony and accepted evidence including the staff report, exhibits, and the staff presentation with respect to whether the subject application meets the standards for granting a variance set forth in §190-4 of the City Code.

**WHEREAS,** based upon the evidence and testimony presented, the APC voted 4-0-0 to recommend the approval of the variance; and

**WHEREAS,** the Mayor and Council are authorized by §190-6 of the City Code to accept, deny or modify the recommendation of the APC or return the variance application to the Commission to take further testimony or reconsider its recommendation with respect to variance requests; and

**WHEREAS,** the Mayor and Council have reviewed the recommendation of the APC as to the application for a variance and in particular have reviewed the APC's findings of fact and conclusions of law; and

**WHEREAS,** no exceptions have been filed.

**NOW THEREFORE,** the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC with regard to CPV-2022-01 and approve the construction of a 344-square-foot open deck with the condition that the open porch shall not be enclosed and/or under roof as specified in Section 27-442(c)(4) unless another variance is granted for such a request.

### **Section 1 Findings of Fact**

- 1.1 The property has an odd shape, generally triangular but with 5 sides, and is a corner through lot with street frontage on three sides.
- 1.2 The property contains 9,000 square feet and is improved with a 2-story, single-family frame house with an addition in the western side yard and a shed.
- 1.3 The northern property line along Quebec Street measures  $\pm 113$  feet, the eastern property along Patuxent Avenue measures  $\pm 131.5$  feet; the southern property line along Pontiac Street (unimproved) measures  $\pm 15$  feet; and the western property line measures 150 feet.
- 1.4 The house faces Quebec Street and is set back 36 feet.
- 1.5 The rear entrance to the house exits to an open porch. The deck would be located adjacent to the open porch and will not be visible from the street due to a 6-foot-high board on board fence that runs along Patuxent Avenue and the unimproved Pontiac Street right-of-way.
- 1.6 The house was constructed in 1903, before zoning regulations which started in 1928.
- 1.7 The surrounding neighborhood is zoned R-55, single-family residential.
- 1.8 According to the County Zoning Ordinance, all yards abutting streets are to be considered "front yards" (Section 27-107.01 (a) (261) and an unimproved right-of-way is also considered a street (Section 27-107.01 (a) (225). According to Section 27-107.01 (a) (263) for a through lot, "any yard that does not abut a street is a side yard."



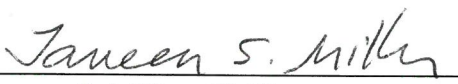
**Section 2      Conclusions of Law**

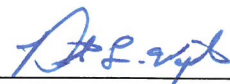
- 2.1     The lot has an unusual shape (generally triangular but with 5 sides) and has an extraordinary condition in that it was located on the lot in 1903, many years before front and side yard setback regulations were adopted including the designation of all yards facing a street as front yards.
- 2.2     The strict application of the Zoning Ordinance will result in a practical difficulty for the property owner by preventing the deck from being located at the back entrance of the house, which is a reasonable location for the use.
- 2.3     Granting the setback variance for an open deck will not substantially impair the intent, purpose and integrity of any applicable County General Plan or County Master Plan. The deck will be constructed behind a 6-foot-high board-on-board fence and will not be visible to the public.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of College Park to approve CPV-2022-01 to permit the construction of a 344-square-foot open deck with the condition that the open porch shall not be enclosed and/or under roof as specified in Section 27-422(c)(4) unless another variance is granted for such a request.

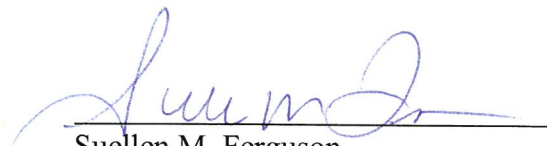
**ADOPTED**, by the Mayor and Council of the City of College Park at a regular meeting on the 8<sup>th</sup> day of February, 2022.

CITY OF COLLEGE PARK

  
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Janeen S. Miller, CMC  
City Clerk

  
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Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

  
\_\_\_\_\_  
Suellen M. Ferguson  
City Attorney